

11 CV 6275

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Securities Investor Protection Corporation

## DEFENDANTS

Bernard L. Madoff Securities, LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Attorneys for appellant AXA Private Management:  
MAYER BROWN LLP, New York, NY 10019, 212-506-2500

## ATTORNEYS (IF KNOWN)

Attorneys for Trustee: BAKER & HOSTETLER LLP, 45  
Rockefeller Plaza, New York, NY 10111, 212-589-4200CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal under 28 U.S.C. § 158. Appeal of decision affirming the SIPA Trustee's denial of "customer" claim.

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Burton R. LiflandIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. 08-01789

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> REAPPORTIONMENT		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST		
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> SEIZURE OF	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY		<input type="checkbox"/> 450 COMMERCE		
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 460 DEPORTATION		
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 470 RACKETEER INFLU-		
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> ENCED & CORRUPT		
<input type="checkbox"/> ENFORCEMENT OF	<input type="checkbox"/> LIABILITY	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> ORGANIZATION ACT		
<input type="checkbox"/> JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 660 OCCUPATIONAL		<input type="checkbox"/> (RICO)		
<input type="checkbox"/> 161 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> SAFETY/HEALTH	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 CONSUMER CREDIT		
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING	<b>LABOR</b>	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 810 SELECTIVE SERVICE		
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 SECURITIES/		
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> COMMODITIES/		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> EXCHANGE		
<input type="checkbox"/> OVERPAYMENT OF	<input type="checkbox"/> INJURY	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> RELATIONS		<input type="checkbox"/> 875 CUSTOMER		
<input type="checkbox"/> VETERAN'S BENEFITS			<input type="checkbox"/> 730 LABOR/MGMT	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> CHALLENGE		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> REPORTING &	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 12 USC 3410		
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> DISCLOSURE ACT	<input type="checkbox"/> Defendant)	<input type="checkbox"/> 890 OTHER STATUTORY		
<input type="checkbox"/> 195 CONTRACT PRODUCT			<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> ACTIONS		
<input type="checkbox"/> LIABILITY			<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 891 AGRICULTURAL ACTS		
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 892 ECONOMIC		
			<input type="checkbox"/> SECURITY ACT		<input type="checkbox"/> STABILIZATION ACT		
					<input type="checkbox"/> 893 ENVIRONMENTAL		
					<input type="checkbox"/> MATTERS		
					<input type="checkbox"/> 894 ENERGY		
					<input type="checkbox"/> ALLOCATION ACT		
					<input type="checkbox"/> 895 FREEDOM OF		
					<input type="checkbox"/> INFORMATION ACT		
					<input type="checkbox"/> 900 APPEAL OF FEE		
					<input type="checkbox"/> DETERMINATION		
					<input type="checkbox"/> UNDER EQUAL ACCESS		
					<input type="checkbox"/> TO JUSTICE		
					<input type="checkbox"/> 950 CONSTITUTIONALITY		
					<input type="checkbox"/> OF STATE STATUTES		

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_

JUDGE Denise L. CoteDOCKET NUMBER 11-cv-5683Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant: AXA Private Management  
Fred W. Reinke  
John M. Conlon  
Jeffrey G. Tougas  
MAYER BROWN LLP  
1675 Broadway  
New York, New York 10019

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[x] YES (DATE ADMITTED Mo. 8 Yr. 92)  
Attorney Bar Code # 7C 3616

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)